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EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

5

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,205	STEINMETZ ET AL.	
	Examiner	Art Unit	
	Shay L Balsis	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 170. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

Page 9, lines 23 and 25 and page 10, line 2 read “blade 132” however, the blade has been previously designated as 130 and 132 is the fibers. Therefore, it should read –blade 130–.

Appropriate correction is required.

Claim Objections

3. Claim 11, 13 and 21 are objected to because of the following informalities:

Claim 11, line 4 states a positive functional limitation by using the word “facts”.

Applicant is asked to restate the claim to remove the positive functional limitation.

Claim 13, line 2 states a positive functional limitation by using the word “facts”.

Applicant is asked to restate the claim to remove the positive functional limitation.

Claim 21 states the scraper is formulated for and limited to scraping the lottery card coating. Claim 21 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

claim(s) in independent form. Claim 21 is a limitation of function or intended use and cannot be used as a further limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1-9, 11-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 states that the scraping edge has “a long lasting scraping ability” however, examiner is uncertain as to how long “long lasting” is. Is “long lasting” a day, a week, a year, 10 years, 100 years? It is unclear as to the time frame that “long lasting” is supposed to represent. Applicant must clarify.

Claim 1 also states the limitation that the gripping device is “adapted to permit efficient scraping” however, it is unclear what exactly “efficient” means. Is it supposed to represent a percentage of how much of the opaque cover is removed? In addition, how does the gripping device permit efficient scraping? Doesn’t the blade do the scraping? Clarification is necessary.

Claim 5 line 5 states “gripping angle” however, examiner believes it should read – gripping area-. If this is an incorrect assumption, please make the necessary changes and the examiner will withdraw the rejection.

Claim 11 recites the limitation "the scraping function" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 lines 7-8 state that the gripping material is used to "permit slippage" however, it is examiner is confused as to how the gripping material permits slippage. Gripping material is used on tools to eliminate slippage not to permit it. Clarification is necessary.

Dependent claim 14 states that the "plastic material may be impregnated with glass or to such materials that creates a material with a hardness and flexibility..." however, in the independent claim 11 the material used is a glass impregnated plastic. Examiner is unsure why applicant used a narrow limitation in the independent claim and then in the depending claims used a broader limitation.

Claim 17 recites the limitation "the key ring chair" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the thickness" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the knife like edges" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 states that the thickness will vary based on the gripping mechanism, scraping edges and contouring. This does not set forth any limitation as to how thick the device can get and therefore it is considered indefinite.

Claim 22 states that the length can vary so long as it is still hand operated. It is unclear how big the tool can be then considering a lawn mover is considered hand operated too. The claim adds no limitation to the invention. In addition what does "overall size" refer to? Does that refer to the overall width, length, volume, etc...?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by being Hodge (USPN 5713232).

Hodge discloses a lottery ticket scraper comprising a housing (10) with a gripping device (20) and a scraping edge (12).

8. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by being Lower (USPN 2380855).

Lower discloses a lottery ticket scraper comprising a housing (16) with a gripping device (16b) and a scraping edge (11).

9. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by being Melodia et al. (USPN D389966).

Melodia et al. discloses a lottery ticket scraper comprising a housing with a gripping device and a scraping edge.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by being Lyons (USPN D383577).

Lyons discloses a lottery ticket scraper comprising a housing with a gripping device and a scraping edge.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hodge (USPN 5713232).

Hodge teaches all the essential elements of the claimed invention including a gripping area that is flat shape, and a scraping edge that has a straight edge and an arcuate edge (see figure

3). Hodge does not disclose expressly that the shape of the housing is generally triangular with an obtuse angle. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the shape be triangular with an obtuse angle because Applicant has not disclosed that the shape provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the shape as taught by Hodge or the claimed triangular shape because both shapes allow the user to easily hold the scraper in their hand. Therefore, it would have been obvious to one of ordinary skill in the art to modify Hodge to obtain the invention as specified in claim 2.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lower (USPN 2380855).

Lower teaches all the essential elements of the claimed invention including a gripping area that is flat shape, and a scraping edge that has a straight edge (11) and an arcuate edge (14).

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Lower does not disclose expressly that the shape of the housing is generally triangular with an obtuse angle. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the shape be triangular with an obtuse angle because Applicant has not disclosed that the shape provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the shape as taught by Lower or the claimed triangular shape because both shapes allow the user to easily hold the scraper in their hand. Therefore, it would have been obvious to one of ordinary skill in the art to modify Lower to obtain the invention as specified in claim 2.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons (USPND383577).

Lyons teaches all the essential elements of the claimed invention including a gripping area that is flat shape, and a scraping edge that has a straight edge and an arcuate edge (see figure 1). Hodge does not disclose expressly that the shape of the housing is generally triangular with an obtuse angle. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the shape be triangular with an obtuse angle because Applicant has not disclosed that the shape provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the shape as taught by Lyons or the claimed triangular shape because both shapes allow the user to easily hold the scraper in their hand. Therefore, it would have been obvious to one of ordinary skill in the art to modify Lyons to obtain the invention as specified in claim 2.

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15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melodia et al. (USPN D389966) in view of Lyons (USPN D383577).

Melodia et al. teaches all the essential elements of the claimed invention including a gripping area that is flat shape, and a scraping edge that has a straight edge. Melodia et al. does not disclose expressly that the shape of the housing is generally triangular with an obtuse angle. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the shape be triangular with an obtuse angle because Applicant has not disclosed that the shape provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the shape as taught by Hodge or the claimed triangular shape because both shapes allow the user to easily hold the scraper in their hand. Therefore, it would have been obvious to one of ordinary skill in the art to modify Hodge to obtain the invention as specified in claim 2.

Melodia et al. also does not disclose an arcuate shaped edge in addition to the straight edge. Lyons teaches a scraper with a straight and arcuate edge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Lyons' scraper in place of Melodia's scraper to allow the scraper to be used for many other uses.

16. Claims 3-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodge (USPN 5713232) in view of Rutter (USPN 6207294).

Hodge discloses a lottery ticket scraper wherein the straight edge of the scraper provides a large scraping surface and the arcuate edge provides a small scraping surface. The large

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scraping surface extends continuously into the small scraping surface. The gripping area protrudes above the housing (see figure 4) and comprises flexible flutes that assist on the grip of the scraping device. There is an aperture (44) in the housing that is oppositely disposed from the small scraping surface. The aperture is adapted to receive a holding mechanism that assists in the portability of the scraping device. The scraping device is assembled from three pieces: the top and bottom housing members (16, 18) and the scraper (12). The scraper blade is replaceable when necessary. Hodge does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Rutter (USPN 6207294) teaches a self-sharpening blade comprising a hard inner metal surrounded on both sides by a softer metal. The harder inner layer is preferably a perforated layer, which allows the junction of the two softer layers together through the perforations. The sandwich layers of metal are explosively welded together resulting in a stronger blade (col. 1, lines 50-65). When the blade is in use, the small hard particles wear more slowly than the surrounding softer metal. Therefore it will constantly present a sharp edge on the tool (col. 2, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art to make Hodge's blade from the same material as Rutter's self-sharpening blade because Rutter's blade will "perpetually self-sharpen through the process of normal wear and use" additionally the construction of it presents a "much stronger tool" (col. 1, lines 50-65).

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

17. Claims 3-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodge (USPN 5713232) in view of Ecer (USPN 6389699).

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Hodge discloses all the essential elements of the claimed invention as stated above however, Hodge does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Ecer teaches a self-sharpening blade comprising a pre-selected thickness and high wear resistance at the center of the blade and extending to the edge. Relative difference in wear resistance of the higher wear resistance material at the tip of the blade, versus the relatively lower wear resistance of the rest of the blade creates a self-sharpening effect in service. Because the softer, less wear resistant matrix wears faster than the more wear resistant hard material layer located in the center the blade remains constantly sharp (col. 2, lines 45-67). Therefore, it would have been obvious to one of ordinary skill in the art to make Hodge's blade from the same material as Ecer's self-sharpening blade because Ecer's blade will "last considerably longer" and will not being to dull immediately (col. 3, lines 10-20).

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

18. Claims 3-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lower (USPN 2380855) in view of Rutter (USPN 6207294).

Lower discloses a lottery ticket scraper wherein the straight edge of the scraper provides a large scraping surface and the arcuate edge provides a small scraping surface. The large scraping surface extends continuously into the small scraping surface. The gripping area protrudes above the housing (see figure 3) and comprises flexible flutes that assist on the grip of the scraping device (16b). There is an aperture (16a) in the housing that is oppositely disposed

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from the small scraping surface. The aperture is adapted to receive a holding mechanism that assists in the portability of the scraping device. The scraping device is molded as a single unit (col. 1, lines 51-55 and col. 2, lines 1-5). Lower does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Rutter teaches a self-sharpening blade comprising a hard inner metal surrounded on both sides by a softer metal. The harder inner layer is preferably a perforated layer, which allows the junction of the two softer layers together through the perforations. The sandwich layers of metal are explosively welded together resulting in a stronger blade (col. 1, lines 50-65). When the blade is in use, the small hard particles wear more slowly than the surrounding softer metal. Therefore it will constantly present a sharp edge on the tool (col. 2, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art to make Lower's blade from the same material as Rutter's self-sharpening blade because Rutter's blade will "perpetually self-sharpen through the process of normal wear and use" additionally the construction of it presents a "much stronger tool" (col. 1, lines 50-65).

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

19. Claims 3-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lower (USPN 2380855) in view of Ecer (USPN 6389699).

Lower discloses all the essential elements of the claimed invention as stated above however, Lower does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Ecer teaches a self-sharpening blade comprising a pre-selected thickness and high wear

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resistance at the center of the blade and extending to the edge. Relative difference in wear resistance of the higher wear resistance material at the tip of the blade, versus the relatively lower wear resistance of the rest of the blade creates a self-sharpening effect in service. Because the softer, less wear resistant matrix wears faster than the more wear resistant hard material layer located in the center the blade remains constantly sharp (col. 2, lines 45-67). Therefore, it would have been obvious to one of ordinary skill in the art to make Lower's blade from the same material as Ecer's self-sharpening blade because Ecer's blade will "last considerably longer" and will not being to dull immediately (col. 3, lines 10-20).

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

20. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons (USPN D383577) in view of Rutter (USPN 6207294).

Lyons discloses a lottery ticket scraper wherein the straight edge of the scraper provides a large scraping surface and the arcuate edge provides a small scraping surface. The large scraping surface extends continuously into the small scraping surface. The gripping area protrudes above the housing (see figure 1). Lyons does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Rutter teaches a self-sharpening blade comprising a hard inner metal surrounded on both sides by a softer metal. The harder inner layer is preferably a perforated layer, which allows the junction of the two softer layers together through the perforations. The sandwich layers of metal are explosively welded together resulting in a stronger blade (col. 1,

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lines 50-65). When the blade is in use, the small hard particles wear more slowly than the surrounding softer meal. Therefore it will constantly present a sharp edge on the tool (col. 2, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art to make Lyons' blade from the same material as Rutter's self-sharpening blade because Rutter's blade will "perpetually self-sharpen through the process of normal wear and use" additionally the construction of it presents a "much stronger tool" (col. 1, lines 50-65).

21. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons (USPN D383577) in view of Ecer (USPN 6389699).

Lyons discloses all the essential elements of the claimed invention as stated above however, Lyons does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Ecer teaches a self-sharpening blade comprising a pre-selected thickness and high wear resistance at the center of the blade and extending to the edge. Relative difference in wear resistance of the higher wear resistance material at the tip of the blade, versus the relatively lower wear resistance of the rest of the blade creates a self-sharpening effect in service. Because the softer, less wear resistant matrix wears faster than the more wear resistant hard material layer located in the center the blade remains constantly sharp (col. 2, lines 45-67). Therefore, it would have been obvious to one of ordinary skill in the art to make Lyons' blade from the same material as Ecer's self-sharpening blade because Ecer's blade will "last considerably longer" and will not being to dull immediately (col. 3, lines 10-20).

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22. Claims 4-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons (USPN D383577) in view of Rutter (USPN 6207294) as applied to claim 3 above, and further in view of Hodge (USPN 5713232).

Lyons in view of Rutter discloses the essential element so of the claimed invention including an aperture (see figure 1) in the housing that is oppositely disposed from the small scraping surface. The aperture is adapted to receive a holding mechanism that assists in the portability of the scraping device. The scraping device is molded as a single unit and the scraper blade is replaceable when necessary. Lyons in view of Rutter does not expressly disclose flexible flutes to assist in gripping the scraping device. Hodge teaches a gripping area that protrudes above the housing (see figure 4) and comprises flexible flutes that assist on the grip of the scraping device. It would have been obvious to modify Lyons in view of Rutter to add Hodge's protruding grip. Therefore one of ordinary skill in the art at the time the invention was made would have added the grip to Lyons in view of Rutter's invention to prevent any slippage that could occur when scraping.

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

23. Claims 4-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons (USPN D383577) in view of Ecer (USPN 6389699) as applied to claim 3 above, and further in view of Hodge (USPN 5713232).

Lyons in view of Ecer discloses the essential element so of the claimed invention including an aperture (see figure 1) in the housing that is oppositely disposed from the small scraping surface. The aperture is adapted to receive a holding mechanism that assists in the

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portability of the scraping device. The scraping device is molded as a single unit and the scraper blade is replaceable when necessary. Lyons in view of Ecer does not expressly disclose flexible flutes to assist in gripping the scraping device. Hodge teaches a gripping area that protrudes above the housing (see figure 4) and comprises flexible flutes that assist on the grip of the scraping device. It would have been obvious to modify Lyons in view of Ecer to add Hodge's protruding grip. Therefore one of ordinary skill in the art at the time the invention was made would have added the grip to Lyons in view of Ecer's invention to prevent any slippage that could occur when scraping.

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

24. Claims 3-7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melodia (USPN D389966) in view of Lyons (USPN D383577) as applied to claim 2 above and in further view of Rutter (USPN 6207294).

Melodia in view of Lyons discloses all the essential element of the claimed invention as recited above in addition to flexible flute to assist in gripping the device. There is an aperture in the housing that is oppositely disposed from the small scraping surface. The aperture is adapted to receive a holding mechanism that assists in the portability of the scraping device. The scraping device is assembled from a single mold unit. Melodia in view of Lyons does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Rutter teaches a self-sharpening blade comprising a hard inner metal surrounded on both sides by a softer metal. The

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harder inner layer is preferably a perforated layer, which allows the junction of the two softer layers together through the perforations. The sandwich layers of metal are explosively welded together resulting in a stronger blade (col. 1, lines 50-65). When the blade is in use, the small hard particles wear more slowly than the surrounding softer meal. Therefore it will constantly present a sharp edge on the tool (col. 2, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art to make Melodia in view of Lyons' blade from the same material as Rutter's self-sharpening blade because Rutter's blade will "perpetually self-sharpen through the process of normal wear and use" additionally the construction of it presents a "much stronger tool" (col. 1, lines 50-65).

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

25. Claims 3-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melodia (USPN D389966) in view of Lyons (USPN D383577) as applied to claim 2 above and in further view of Ecer (USPN 6389699).

Melodia in view of Lyons discloses all the essential elements of the claimed invention as stated above however, Melodia in view of Lyons does not expressly disclose that the scraper blade has fibers dispersed in it so when the scraper is in use the fibers are exposed causing the blade to be constantly sharpened. Ecer teaches a self-sharpening blade comprising a pre-selected thickness and high wear resistance at the center of the blade and extending to the edge. Relative difference in wear resistance of the higher wear resistance material at the tip of the blade, versus the relatively lower wear resistance of the rest of the blade creates a self-sharpening effect in service. Because the softer, less wear resistant matrix wears faster than the more wear resistant

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hard material layer located in the center the blade remains constantly sharp (col. 2, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art to make Melodia in view of Lyons' blade from the same material as Ecer's self-sharpening blade because Ecer's blade will "last considerably longer" and will not being to dull immediately (col. 3, lines 10-20).

With regards to claim 10 and the shape being triangular with one obtuse angle the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

26. Claims 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodge (USPN 5713232) in view of Charvat (USPN 3529945).

Hodge teaches all the essential element of the claimed invention as recited in the above rejections in addition to the grip member being a synthetic material however, Hodge fails to teach glass impregnated plastic scraper. Charvat teaches an abrading and finishing tool that is made from plastic and has glass fibers embedded within it. It would have been obvious to one of ordinary skill in the art to make the scraper out of plastic with glasses fibers embedded in it because it eliminates the need for extra pressure to be applied to the area to be scraped (col. 1 lines 34-44).

With regards to claim 12 and the shape being triangular the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

27. Claims 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lower (USPN 2380855) in view of Charvat (USPN 3529945).

Lower teaches all the essential element of the claimed invention as recited in the above rejections in addition to the grip member being a synthetic material however, Lower fails to

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teach glass impregnated plastic scraper. Charvat teaches an abrading and finishing tool that is made from plastic and has glass fibers embedded within it. It would have been obvious to one of ordinary skill in the art to make the scraper out of plastic with glasses fibers embedded in it because it eliminates the need for extra pressure to be applied to the area to be scraped (col. 1 lines 34-44).

With regards to claim 12 and the shape being triangular the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

28. Claims 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melodia et al. (USPN D389966) in view of Charvat (USPN 3529945).

Melodia et al. teaches all the essential element of the claimed invention as recited in the above rejections however, Melodia fails to teach glass impregnated plastic scraper. Charvat teaches an abrading and finishing tool that is made from plastic and has glass fibers embedded within it. It would have been obvious to one of ordinary skill in the art to make the scraper out of plastic with glasses fibers embedded in it because it eliminates the need for extra pressure to be applied to the area to be scraped (col. 1 lines 34-44).

With regards to claim 12 and the shape being triangular the rejection stands as stated above in the claim 2 rejections, paragraphs 12-15, as a design choice.

Conclusion

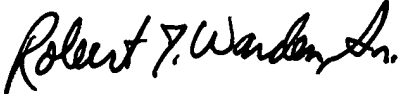
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

slb
April 10, 2003


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